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Magistrate Judge Paula L. McCandlis

JUN 13 2019

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON LEE SMITH,

Defendant.

NO.

MJ 19-261

COMPLAINT for VIOLATIONS

Title 18, United States Code, Section 922(g)(1)

BEFORE, The Honorable Paula M. McCandlis, United States Magistrate Judge,
U. S. Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Felon in Possession of Ammunition)

On or about December 17, 2018, in the city of Auburn, King County, within the
Western District of Washington, the Defendant, JASON LEE SMITH, after having been
convicted of the following crimes punishable by a term of imprisonment exceeding one
year, to wit:

*Possession of Methamphetamine with Intent to Distribute and Felon in Possession
of a Firearm*, United States District Court for the Western District of Washington
(Tacoma), CR05-05607-BHS, on or about October 6, 2006;

1 did knowingly possess in and affecting interstate and foreign commerce, the following
2 ammunition: Federal .38 caliber Special round of live ammunition, which had been
3 shipped and transported in interstate and foreign commerce.

4 All in violation of Title 18, United States Code, Section 922(g)(1).

5 **AFFIANT'S BACKGROUND**

6 1. I am a Special Agent of the Federal Bureau of Investigation (FBI), and have
7 been employed with the FBI since September 17, 2017. I am currently assigned to the
8 violent crime/organized crime squad in the Seattle, Washington office. As an FBI
9 Special Agent, I have investigated a variety of narcotics and firearm related crimes,
10 including cases involving possession and distribution of narcotics, illegal trafficking of
11 firearms, and unlawful possession of firearms and ammunition.

12 2. During my FBI career, I have been involved in narcotics and felon in
13 possession of firearms and ammunition arrests and search warrants in drug trafficking,
14 organized crime, and trafficking of stolen property cases. I have authored affidavits in
15 support of federal warrant applications, participated in executing state and federal
16 warrants, and have interviewed drug and firearms traffickers and informants with
17 knowledge of drug and firearms trafficking. I have also served as a case agent on prior
18 federal criminal investigations into Drug Trafficking Organizations ("DTOs") and other
19 criminal activity. I have participated in the debriefing of defendants, witnesses, and
20 informants, during which time I have discussed with them their criminal activity, to
21 include drug trafficking, firearms possession, and avoiding law enforcement detection,
22 among other crimes and activities. I have also discussed with and learned from other law
23 enforcement investigators regarding these matters as well.

24 3. The facts in this affidavit come from my personal observations, my training
25 and experience, and information obtained from other law enforcement officers and
26 witnesses. I have also read reports written by law enforcement officers regarding the
27 incident in this case. This affidavit is intended to show merely that there is sufficient
28

1 probable cause for the above charge and does not set forth all of my knowledge about this
2 matter.

3 **SUMMARY OF PROBABLE CAUSE**

4 4. On December 17, 2018, Valley SWAT executed a search warrant located at
5 510 A Street SE, Auburn, WA (the "Property"). Auburn Police Department detectives
6 were aware that JASON LEE SMITH and his girlfriend, A.K., lived on the Property.

7 5. The Property was completely fenced and had two main buildings. The
8 larger building on the south side of the Property had been partially adapted to serve as
9 living quarters, with two spaces that appeared to be used as bedrooms. There were also
10 two travel trailers and numerous vehicles on the Property. One of the trailers was on the
11 northeast corner of the Property, and the second trailer was on the southeast corner of the
12 Property. The trailer on the southeast corner of the Property had a Vehicle Identification
13 Number posted on the outside of the trailer, which when checked against law
14 enforcement records, was reported as stolen on March 23, 2015.

15 6. When Valley SWAT conducted a sweep of the Property, they located an
16 adult male G.T., an adult female K.S., and two children from the larger building on the
17 south side of the Property. K.S. was interviewed by Detective Andy Lindgren of Auburn
18 Police Department. K.S. advised that she and the children lived inside the larger building
19 on the south side of the Property. K.S. stated that SMITH was the father of her two
20 children and that SMITH told her she could live at the Property with SMITH and
21 SMITH's girlfriend, A.K. K.S. stated that the only people who lived on the Property
22 were SMITH, A.K., K.S., and the children. K.S. advised that SMITH and A.K. slept in
23 the trailer on the southeast corner of the Property. K.S. stated that SMITH brought that
24 trailer to the Property at least two years ago. K.S. stated that no one other than A.K. and
25 SMITH stayed in the trailer on the southeast corner of the Property.

26 7. While Valley SWAT was securing the Property, Detective Lindgren,
27 waiting on the perimeter of the Property, was approached by A.K. A.K. stated that she
28 lived at the Property with SMITH in the trailer on the southeast corner of the Property,

1 but that the last few nights she and SMITH had stayed at a hotel. A short time later,
2 Detective Lindgren observed SMITH walking in the area and interviewed SMITH.
3 SMITH stated he was cleaning the Property and provided his contact information to be
4 notified when the search was completed. At the conclusion of the search, SMITH came
5 back to the Property and spoke with Detective Lindgren. SMITH was informed that the
6 trailer on the southeast corner of the Property was being impounded because it had been
7 reported as stolen. SMITH responded that he had purchased that trailer on OfferUp and
8 that his personal property was inside the trailer.

9 8. Inside the stolen trailer was a large flat screen television that was turned on
10 and there were numerous surveillance camera pictures of the Property on the television.
11 Next to the television there was a digital scale with a white, powder substance on the
12 scale that was field tested and produced a presumptive positive result for
13 methamphetamine. Below the surveillance system was a black safe. Inside the safe were
14 two pill bottles, a digital scale, two explosive devices with a fuse, and a blue bag that had
15 a label taped to it that read: "CAR/BIKE/ECT TITLES..." Inside the bag were numerous
16 vehicle and motorcycle titles, several of which had SMITH's name printed on them, a
17 letter addressed to SMITH, and a receipt with SMITH's name printed on it. One of the
18 pill bottles had SMITH's name printed on it, and the prescription listed on the bottle was
19 for Hydrocodone. The two explosive devices were both taped with black electrical tape
20 and had a short fuse coming out of the devices. The explosive devices were secured by a
21 FBI Special Agent Bomb Technician.

22 9. Also inside the stolen trailer, law enforcement officers located a blue file
23 organizational folder, which contained documents with SMITH's name printed on them.
24 A paper Washington state identification card for SMITH and a U.S. Department of
25 Justice Federal Bureau of Prisons card for SMITH were inserted in a front pocket of the
26 organizational folder. A grey plastic storage container inside the stolen trailer was
27 located and contained a large amount of ammunition and rifle magazines, including
28 fourteen AR 15 style magazines loaded with live ammunition. One of the magazines was

1 a high capacity .22 caliber drum magazine loaded with .22 caliber rounds of live
2 ammunition. In the bottom of the grey container were various rounds of live
3 ammunition, including 9mm caliber, .223 caliber, .38 caliber, and .45 caliber. One of
4 these rounds of live ammunition was a Federal .38 caliber Special. A Washington state
5 Driver License for SMITH and a photograph album of SMITH were located next to the
6 grey container containing the ammunition.

7 10. On December 18, 2018, Detective Lindgren received a phone call from a
8 male caller who identified himself as JASON SMITH. Detective Lindgren recognized
9 the male's voice as SMITH's from his previous conversations with SMITH the day prior.
10 SMITH asked about getting access to the Property to collect his belongings and vehicles.
11 During the call, SMITH stated he had been living at the Property for a few months and
12 that he and A.K. stayed in the trailer at the back of the Property. SMITH stated that he
13 did not have any personal property in the large building where K.S. and the children
14 stayed. SMITH stated his safe was located in the trailer, below the television. Detective
15 Lindgren asked SMITH about the explosive devices in the safe inside the stolen trailer.
16 SMITH stated that his son made the two explosive devices around the Fourth of July and
17 that SMITH had found them and put them in his safe to dispose of. Detective Lindgren
18 asked SMITH about the grey plastic storage container in the stolen trailer that contained a
19 large amount of live ammunition and AR style, loaded magazines. SMITH stated that he
20 recently found all the ammunition and magazines around the Property and put them in the
21 container to dispose of them.

22 11. Detective Lindgren observed that the entire Property was in disarray and
23 extremely dirty. The magazines and ammunition in the grey plastic container inside the
24 stolen trailer did not appear to have dirt on them, and the ammunition did not appear to
25 have rust on them, as would be expected if they had been left outside on the Property for
26 a period of time.

27 12. Special Agent Claudia Grigore of the Bureau of Alcohol, Tobacco,
28 Firearms and Explosives (ATF), a recognized "interstate nexus" expert who has received

1 specialized training in identifying the manufacturers and/or importers of firearms and
2 ammunition, has reviewed the Federal .38 caliber Special round of live ammunition
3 located in the grey plastic container inside the stolen trailer occupied by SMITH. Based
4 on her review, Special Agent Grigore has opined that the above-referenced ammunition
5 meets the definition of "ammunition" under federal law and was manufactured outside
6 the State of Washington. Therefore, the ammunition necessarily had previously traveled
7 in interstate or foreign commerce before being recovered in King County, Washington.

8 13. Finally, I have reviewed copies of court records showing that JASON LEE
9 SMITH has been convicted for the following crime punishable by imprisonment for a
10 term exceeding one year:

11 *Possession of Methamphetamine with Intent to Distribute and Felon in Possession*
12 *of a Firearm*, United States District Court for the Western District of Washington
13 (Tacoma), CR05-05607-BHS, on or about October 6, 2006

14 In the above case, SMITH was sentenced to 84 months of imprisonment.

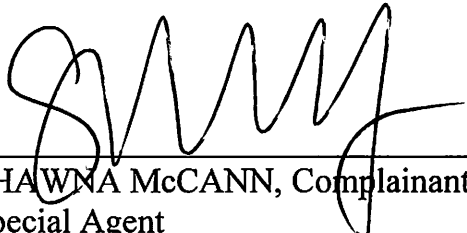
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CONCLUSION

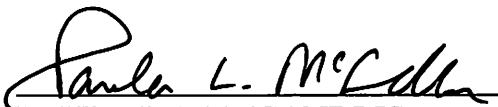
14. Based on the foregoing, I respectfully submit that there is probable cause to believe that JASON LEE SMITH has committed the offenses of Felon in Possession of Ammunition, in violation of Title 18, United States Code, Sections 922(g)(1).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.


SHAWNA McCANN, Complainant,
Special Agent
Federal Bureau of Investigation

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

DATED this 13th day of June, 2019.


PAULA L. McMCANDLIS
United States Magistrate Judge